

REMARKS

The foregoing remarks are responsive to the Office Action mailed January 23, 2007. Applicants respectfully request reconsideration of the present application. No claims have been amended, added, or cancelled. Therefore, claims 1-33 are presented for examination.

Claims 1-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,581,109 to Fields et al. (hereinafter "Fields") in view of alleged knowledge in the art.

The Examiner suggests that Fields discusses "a set of default image display characteristics" when combined with alleged knowledge in the art.

The Examiner states that while Fields does not explicitly teach default characteristics for display on the client computer, it is implicit that these default characteristics correspond to the factory settings of the display. Figure 4 of Fields teaches the user selecting a monitor from a listbox, which includes display resolutions. The Examiner concludes that therefore it is well known tat commercial monitors have default settings.

However, Applicants respectfully submit that this misinterprets the terminology of the claims. The Applicants aren't suggesting that monitors do not have defaults, but rather that Fields does not teach or suggest determining if there are computer image display characteristic data available to the image server, and if no such data are found, then utilizing the default settings of the monitor. This is distinct from having monitors with default resolution settings. While "default resolution settings" do exist, neither Fields nor the alleged knowledge in the art teach or suggest the existence of or the use of default image display

characteristics when it is determined that image display characteristic data is not available.

In fact, Fields specifically notes that there is no situation in which the display characteristic data is not available. Therefore, the suggested combination would not work.

Figure 3 of Fields starts with "download applet to client" (block 42). This occurs without any alternatives being shown. Furthermore, until "all tests done" 46 for calibration, Fields continues doing testing. (see also, Fields column 5, lines 20-25). Fields does not stop the calibration test until all tests have been performed. Therefore, Fields does not contemplate a situation in which the calibration data is not available.

Fields further points out at column 2, lines 14-42 that "the image is modified "on-the-fly" for the specific client machine according to calibration parameters for that machine (column 2, 17-19). This clearly teaches away from having a default characteristic. Similarly, column 4, lines 1-11 discuss "color adjust" for objects "served to a particular client machine," again teaching away from a default characterization. Column 6, line 55 to column ,7 line 27 makes it even clearer in stating "A major advantage is that the image correction is supplied only when it is needed, namely at the time when the sever has received a request for the image from a user that has already supplied calibration data for his or her particular machine configuration." (column 6, lines 56-60, emphasis added). Thus, Fields very clearly teaches away from determining whether calibration data is available, and using set of default characteristics for a system when such data is not available.

The Examiner suggests that it would be "obvious in the art" to modify Fields in this way. Applicants respectfully disagree. To do so would destroy the way Fields works. As Fields points out, the only time image correction is supplied is when a request is received from a user that has supplied calibration data. To remove this requirement of Fields would not be logical, and would fundamentally alter the functioning of Fields. Furthermore, there is no motivation in Fields for this change suggested by the Examiner. Since Fields downloads the applet immediately when a request is received, Fields does not contemplate a situation in which actual characterization data is not available.

Therefore, Applicants respectfully submit that since Fields in combination with alleged knowledge in the art clearly teaches away from "selecting a set of default image display characteristics to adjust the requested image in accordance with the set of default characteristics for display on the client computer" as recited in claim 1. Therefore, claims 1, and its depend claims 2-33, are not obvious over Fields in view of alleged knowledge in the art.

Applicants further note that claim 2 specifies that the "default image characteristics" are based on a "on average image display characteristics of a plurality of computer clients having known image display characteristics."

Fields does not mention the concept of "average" or having any calculation based on a "plurality of computer clients." Again, the Examiner points to the entire Summary. Applicants fail to find any mention of such an "average image display characteristics." As noted above, Fields specifies that images are only modified when a request is received from a device which has already been properly characterized. Therefore, Fields has no utility for the concept of a default image

characteristics. Therefore, for this additional reason, claim 2, and the claims that depend on it, are not obvious over Fields in view of the alleged knowledge in the art.

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome. Accordingly, the present and amended claims should be found to be in condition for allowance.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Judith Szepesi at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: May 29, 2007

/Judith A. Szepesi/
Judith A. Szepesi
Reg. No. 39,393

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-6300